



House of Representatives

File No. 762

General Assembly

January Session, 2003

(Reprint of File No. 158)

Substitute House Bill No. 6471
As Amended by House Amendment
Schedule "B"

Approved by the Legislative Commissioner
May 23, 2003

AN ACT CONCERNING THE RENTAL OF TRUCKS FOR THE TRANSPORTATION OF PERSONAL PROPERTY.

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2003*) (a) For the purposes of
2 this section:

3 (1) "Rental truck" means a motor vehicle rented without a driver
4 that has a gross vehicle weight rating of twenty-six thousand pounds
5 or less and is used in the transportation of personal property but not
6 for business purposes.

7 (2) "Rental company" means any business entity that is engaged in
8 the business of renting trucks or vans without a driver in this state to
9 renters and that uses for rental purposes a motor vehicle fleet of five or
10 more rental trucks in this state, but does not mean any person, firm or
11 corporation that is licensed, or required to be licensed, pursuant to
12 section 14-52 of the general statutes, (A) as a new car dealer, repairer or
13 limited repairer, or (B) as a used car dealer that is not primarily
14 engaged in the business of renting passenger motor vehicles or rental

15 trucks without a driver in this state to renters.

16 (3) "Financial instrument" includes, but is not limited to, a check,
17 money order, note, credit card, debit card or transaction authorization
18 mechanism.

19 (b) A rental company that accepts a reservation for a rental truck
20 and secures the reservation with a financial instrument shall deliver
21 the rental truck at the time and location specified by the rental
22 company at the time the reservation is made or provide an alternative
23 rental truck comparable to the rental truck reserved by the customer.

24 (c) In the event a rental company violates any provision of this
25 section, such rental company shall be subject to damages in favor of
26 the customer in an amount up to two times the contract price agreed to
27 between the customer and the rental company for the rental truck.

28 Sec. 2. (NEW) (*Effective October 1, 2003*) Each rental company shall
29 post in a prominent location a clearly legible sign stating the rental
30 company shall be subject to up to two times the contract price agreed
31 to if such company fails to provide the customer with the rental truck
32 reserved by the customer or an alternative rental truck comparable to
33 the rental truck reserved by the customer.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Consumer Protection, Dept.; Attorney General	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

This bill requires truck and van rental companies that secure reservations for their vehicles through some type of fiduciary agreement to deliver the vehicle to the consumer at the scheduled time and place. A company unable to comply with the reservation agreement must provide an alternative rental truck comparable to the one the customer reserved.

A truck rental company that violates the provisions of the bill would be subject to damages in favor of the customer in an amount equal to two times the rental price agreed to between the customer and the rental company. In addition, each rental company must post in a prominent location a sign stating the damages the rental company is subject to if it fails to meet the terms of the agreements.

It is anticipated that any complaints received by the Department of Consumer Protection or the Attorney General's Office can be handled by staff without the need for an additional appropriation.

House "B" requires that companies unable to provide the reserved truck to provide a comparable alternative; subjects rental companies that violate the bill's provisions to damages of up to twice the agreed-upon contract price; requires the rental companies to prominently post

a sign to that effect; and eliminates language making a violation of the bill an unfair trade practice. These provisions would not have a fiscal impact.

OLR Bill Analysis

sHB 6471 (as amended by House "B")*

**AN ACT CONCERNING THE RENTAL OF TRUCKS FOR THE
TRANSPORTATION OF PERSONAL PROPERTY****SUMMARY:**

This bill requires truck and van rental companies that secure reservations for their vehicles through a check, money order, note, credit card, debit card, or transaction authorization mechanism to deliver the vehicle to the consumer at the time and place specified when the reservation is made. Companies unable to deliver the desired vehicle at the scheduled time and place must provide an alternative rental truck comparable to the one the customer reserved.

A rental company that violates the bill's provisions is liable for damages of up to twice the agreed-upon contract price for the rental truck. Each rental company must post, in a prominent location, a clearly legible sign explaining that failure to provide the reserved truck or a comparable alternative subjects them to this penalty.

*House Amendment "B" (1) requires that companies unable to provide the reserved truck provide a comparable alternative, rather than an alternative acceptable to the customer; (2) subjects rental companies that fail to meet the bill's provisions to damages of up to twice the agreed-upon contract price, and requires that they prominently post a sign to that effect; and (3) eliminates language making a violation of the bill an unfair trade practice.

EFFECTIVE DATE: October 1, 2003

RENTAL COMPANIES

Under the bill, a rental company is any business that (1) leases trucks or vans without drivers to transport personal property, but not for business use, and (2) has at least five rental trucks, each with a gross vehicle weight of 26,000 pounds or less. The bill excludes (1) new car dealers, repairers, or limited repairers and (2) used car dealers who are

not primarily in the business of renting passenger cars or rental trucks.

BACKGROUND

Legislative History

On April 22 the House referred the bill to the Judiciary Committee, which reported it favorably on May 2.

COMMITTEE ACTION

General Law Committee

Joint Favorable Substitute

Yea 18 Nay 0

Judiciary Committee

Joint Favorable Report

Yea 35 Nay 0